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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,327	04/23/2001	Tadamasa Kitsukawa	50P4366	4083

7590  
10/19/2005  
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EXAMINER

CHANG, SHIRLEY

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/840,327

Applicant(s)

KITSUKAWA ET AL.

Examiner

Shirley Chang

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/11/05, 8/2/05</u> . | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

Applicant's arguments filed on August 5, 2005 have been fully considered but they are not persuasive with respect to arguments pertaining to the amended limitations and the applied art of record not teaching the amended limitations. The examiner respectfully disagrees and refers to the grounds of rejection.

Regarding the challenge to the Official Notice, the examiner provides or notes, that the Wasserman et al. (6874161) reference provides evidence of using a connected DSL line to update a television being notoriously well known.

***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 7/11/05 and 8/2/05 were filed after the mailing date of the non-final rejection on 6/17/05. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Claim Rejections - 35 USC § 102***

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claims 1-14, 16-22, and 24-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Hsu (WO 98/56188).**

As to claim 1, Hsu teaches:

An interactive television system, comprising: at least one Web server (page 1, line(s) 29-31);

at least one television signal source (page 4, line(s) 13);

at least one interactive television, the interactive television including plural television channels and plural virtual channels, each television signal being associated with television content, each virtual channel being associated with a respective Web page having Internet content, the television channels and virtual channels being selectable by the interactive television in order to display the respective content (page 4, line(s) 7); (page 4, line(s) 10-13), the virtual channels being periodically updated with new content from the respective Web page (page 15, line(s) 10-35);

at least one ITV system server accessing a customer database to access consumer profiles useful for tailoring virtual channels to a consumer's profile, the ITV system server sending the updates to the television (page 11, line(s) 19-27); (page 11, line(s) 35-29); (page 12, line(s) 17-20) .

As to claim 2, Hsu teaches:

An interactive television system, comprising: at least one Internet content provider (page 10, lines 9-10);

at least one television signal source (page 4, line(s) 13);

at least one interactive television, the interactive television receiving content from the Internet content provider and the television signal source, the interactive television including a program for allowing a consumer to select an television channel or a virtual channel (page 4, line(s) 7); (page 4, line(s) 10-13), the interactive television including

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means for periodically updating the virtual channel with updates from an associated Web page, the virtual channel being established by the Web page and being updated without user request (page15, lines 10-35).

As to claim 3, the claimed logic means for 'providing plural interactive television channels, enabling a user to select an interactive television channel, and determining an interactive television channel' is met as discussed in claim 1.

As to claim 4, the claimed "television channel associated with a respective television signal source" is met by "channels separately representing individual television content and individual internet content" (page 4, lines 11-13); the claimed 'logic means for displaying television broadcast content...' is met by "when an individual television content channel or an individual internet content channel is selected, the client presents the content associate with the selected channel on the display.

As to claim 5, the claimed "virtual channel associated with an Internet content provider" and "logic means for displaying Internet content..." are met as discussed in claims 1 and 4, respectively.

As to claim 6, the claimed "Web server" is met as discussed in claim 1, and the claimed Web page is met by that discussed on (page 4, line 19).

As to claim 7, the claimed Internet content stored in the ITV memory is met by "off-line browsing that allows a client user to view pages already stored in cache memory from previously visited web sites" (page 2, lines 37-39) and "can be stored either on the client or the sever" (page 10, lines 15-17).

As to claim 8, the claimed "logic means for prompting a consumer for input regarding an interactive television system" is met by 'a program which determines the useful data desired by the user via a questionnaire and then occasionally initiates requests for information from the server' (page 3, lines 24-29).

As to claim 9, the claimed "logic means for receiving consumer input at an interactive television" is inherent in the system as discussed in claim 8.

As to claim 10, the claimed "logic means for transmitting the consumer input to an interactive television server" is met by the 'templates (tailored for specific user profiles) which can be stored either on the client or the server' (page 10, lines 15-17).

As to claim 11, the claimed "logic means for transmitting the consumer input to an Internet content provider" is met by as discussed in claim 10.

As to claim 12, Hsu teaches:

A system for enabling a consumer to access the Internet using a television having at least one television tuner (page 1, line(s) 29-31); (page 4, line(s) 13),

the television including plural television channels and at least one virtual channel, the virtual channel representing a Web page (page 4, line(s) 7); (page 4, line(s) 10-13),

the system comprising: means for periodically sending updates to the Web page to the television, such that the virtual channel is periodically updated thereby without user interaction (page 15, lines 10-35).

As to claim 13, the claimed memory is met 'storing on the client' as discussed in claim 7.

As to claim 14, the claimed remote memory is met by 'storing on the sever' as discussed in claim 7.

As to claim 16, the claimed 'cable modem for sending updates' is met by that described on (page 7, line 39) since if 'the guide page resides on the client, it can be periodically updated by the server' (page 12, lines 16-20) via Internet connection as discussed in claim 2.

As to claim 17, the claimed 'updates sent via at least one VBI of a television signal' is met by 'the client utilizing both a telephone modem and digital satellite service, where the satellite service delivers to the client both traditional television programming, as well as internet content during the blanking signal of the television programming' (page 8, lines 10-15).

As to claim 18, the claimed 'conventional television control device receiving consumer input' is met by a "remote control device 24 to allow the user convenient control of both Internet and television functions" (page 7, lines 18-20).

As to claim 19, the claimed "input to be received and stored in memory inside the television at a first time and then transmitted to a site remote from the television a second time" is inherently met when 'the user selects a general, preferably demographically-based profile' (claimed consumer input) (page 11, lines 34-39), which 'can be stored on the server' (page 10, line 15). In other words, the consumer profile (claimed input) is inherently "stored in memory inside the television at a first time", since the profile is eventually "stored at the server" (claimed "transmitted to a site remote from the television a second time"); the reason being that as the consumer is inputting his

profile, the data must at least be temporarily stored at the television before it is sent to the server.

As to claim 20, Hsu teaches:

A system for presenting television signals and Web pages on a single interactive television (ITV), comprising: a television tuner supported on the ITV and detecting television signals (page 1, line(s) 29-31); (page 4, line(s) 13);

a display on the ITV for, in response to a user channel selection, presenting a television channel or a Web page on the ITV, the Web page being associated with a virtual channel (page 7, line(s) 1-14); (page 7, line(s) 1-14); (page 4, line(s) 7); (page 4, line(s) 10-13),

system logic for updating the Web page associated with the virtual channel, such that a first version of the Web page is displayed via the virtual channel at a first time, and a second version of the Web page is displayed via the virtual channel at a second time (page 15, lines 10-35).

As to claim 21, the claimed memory is met 'storing on the client' as discussed in claim 7.

As to claim 22, the claimed remote memory is met by 'storing on the sever' as discussed in claim 7.

As to claim 24, the claimed 'cable modem for sending updates' is met by that described on (page 7, line 39) since if 'the guide page resides on the client, it can be periodically updated by the server' (page 12, lines 16-20) via Internet connection as discussed in claim 2.



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As to claim 25, the claimed 'updates sent via at least one VBI of a television signal' is met by 'the client utilizing both a telephone modem and digital satellite service, where the satellite service delivers to the client both traditional television programming, as well as internet content during the blanking signal of the television programming' (page 8, lines 10-15).

***Claim Rejections - 35 U.S.C. § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2. Claims 15 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Portuesi (US 5,987,509).**

As to claims 15 and 23, although the Hsu reference fails to disclose a "DSL line attached to the television for sending updates" the examiner gives Official Notice that it is notoriously well known in the art to use a connected DSL line to update a television, since this type of connection enables desired data transfer efficiency. Accordingly, it would have been clearly obvious to one of ordinary skill in the art to modify the Hsu reference to use DSL, which effectively makes necessary the existence of an infrared receive unit.

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### **Conclusion**


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Chang whose telephone number is (571) 272-8546. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SC

  
**JOHN MILLER**  
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